

REMARKS

In accordance with the foregoing, claims 10 and 15 are amended, and new claims 19-24 are presented. Claims 10-24 are pending and under consideration.

STATEMENT ON SUBSTANCE OF INTERVIEW

An in-person interview was conducted on November 22, 2004 between the Applicant's representative and the Examiner. During the interview the Applicant's representative pointed out features of the present invention that patentably distinguish over the cited art including comparison of input values based on detected activations. Other points raised at the interview are included below.

During the interview, the Examiner suggested that if the claims were amended to recite, for example, more details on the comparison that the claims would further distinguish over the art currently relied on.

Applicant thanks the Examiner for the opportunity to conduct an in-person interview.

CLAIM AMENDMENTS

Independent claims 10 and 15 are amended as suggested by the Examiner during the in-person interview.

Independent claims 10 and 15 are amended, to recite a method for operating an electronic device, and an electronic device, using claim 10 as an example "evaluating a result of said detecting using a predetermined evaluation, which compares input values based on the detected activations against a threshold value, for determining at least one of infrequently used supplementary and selection functions; and outputting reference advisory text corresponding to the at least one of infrequently used supplementary and selection functions based on said evaluating." (See, for example paragraph [0024].)

No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

ITEM 2: REJECTION OF INDEPENDENT CLAIMS 10 AND 15 (AND RESPECTIVE DEPENDENT CLAIMS 14 AND 18) UNDER 35 U.S.C. §103 BY SHAFFER ET AL. (U.S.P. 5,821,936) IN VIEW OF SAWADA TORU (J. P. APPLICATION 09297214-ABSTRACT)

The Examiner rejects independent claims 10 and 15 (and respective dependent claims 14 and 18) under 35 U.S.C. §103(a) as being unpatentable over Shaffer in view Toru.

Features Of Claims Not Taught By Cited Art, Alone or in Combination

Independent claims 10 and 15, both as amended, recite respectively a method for operating an electronic device, and an electronic device, using claim 10 as an example, "evaluating a result of said detecting using a predetermined evaluation, which compares input values based on the detected activations against a threshold value, for determining at least one of infrequently used supplementary and selection functions; and outputting reference advisory text corresponding to the at least one of infrequently used supplementary and selection functions based on said evaluating."

Applicant submits that these features are not taught by the cited art, alone or in combination.

Although the Examiner contends features of "addressing the problem of infrequently used functions" is not in the claims (Action at page 4), as discussed during the in-person interview, the feature of "determining at least one of infrequently used supplementary and selection functions" is recited in claims 10 and 15.

Further, the Examiner contends Shaffer (col. 4, lines 15-21 and lines 37-39) teaches the feature of "evaluating a result." However, Shaffer merely teaches that (see, for example, col. 4, starting at line 15) that "user selections are monitored."

Shaffer does not teach comparing input values based on detected activations against a threshold value. An *arguendo* combination of the cited art merely teaches a comparison is based on a relative frequency, and not a threshold value.

In addition, Applicant submits that the cited art, alone or in combination, does not teach outputting reference "advisory text corresponding to the at least one of infrequently used supplementary and selection functions" based on the evaluating.

As the Action concedes, Shaffer does not teach outputting reference text. (Action at page 2). Toru merely teaches (Abstract) displaying a message indicating that an appearance of an activating screen is changed.

No Motivation to Combine the References

The Examiner contends that it would have been obvious to modify Shaffer's system: to outputting reference text on the display representation along with resequencing the order of menu items in order to introduce and explain to users of infrequently used functions or used-frequencies exceeding a threshold.
(Action at pages 2-3).

Applicant submits that Shaffer merely teaches that "what is needed is a method and system for sequencing menu items." Shaffer does not teach any motivation for any "outputting reference text on the display along with the resequencing." as the Examiner contends or method for generation of such text.

Conclusion

Since features recited by the claims 10 and 15 (and respective dependent claims 14 and 18) are not taught by the cited art, alone or in combination, and there is no motivation to combine the references and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 10, 14, 15, and 18 allowed.

ITEM 3: REJECTION OF CLAIMS 11, 13, 16-17 UNDER 35 U.S.C. §103 BY SHAFFER IN VIEW OF SAWADA TORU AND FURTHER IN VIEW OF COULOMBE (U.S.P. 5,561,753)

The Examiner rejects dependent claims 11-13, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Shaffer in view of Toru and Coulombe.

Dependent claims 11 and 16 respectively recite a method and a device, using claim 11 as an example, wherein "evaluating includes determining a frequency of activation of at least one of infrequently used supplementary and selection functions in a predetermined period."

Dependent claim 12 recites a method wherein "evaluating includes determining a trend of the frequency of activation in the predetermined period."

Dependent claims 13 and 17 respectively, recite a method and a device, using claim 13 as an example "evaluating includes determining a period which has elapsed since a most recent activation of the at least one of infrequently used supplementary and selection functions."

The Action concedes that Shaffer does not teach these features. (Action at page 3). However, the Examiner contends it would have been obvious to modify Shaffer to "improve the monitoring process." (Action at page 4).

Applicants submit that Coulombe is nonanalogous art merely teaching a method for relocating graphical objects, i.e., windows.

Further, Applicants submit there is no reasonable chance of success in modifying a text sequence taught by Shaffer (not having "windows") with a method of "moving a window" as shown in FIG. 3 of Coulombe, as the Examiner contends.

Conclusion

Since Coulombe is nonanalogous art, there is no reasonable chance of success in an *arguendo* combination and *prima facie* obviousness is not established, the rejection should be

withdrawn and claims 11-13, 16 and 17 allowed.

NEW CLAIMS

New claims 19-24 recite features of the present invention in an alternate fashion.

Dependent claims 19 and 22 respectively recite a method, and a device, wherein the "advisory text is an operating instruction." (See, for example, paragraph [0012]).

Dependent claims 20 and 23 respectively recite a method, and a device, wherein "outputting the advisory text comprises printing a record of the text or audibly outputting the text." (See, for example, paragraph [0012]).

Dependent claim 21 recites a method wherein the "supplementary or selection function is a random function." (See, for example, paragraph [0029]).

Dependent claim 24 recites a device wherein the "device is a CD player or radio and the supplementary or selection function is a random function." (See, for example, paragraph [0029]).

These, and other, features of claims 21-30 are patentably distinguishable from the cited art, and they are submitted to be allowable for the recitations therein.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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